

## **Exhibit J**

*August 9, 2023, Letter from Michael Neustel to Lester Wallace*



THE EVOLUTION OF PATENT LAW

August 9, 2023

*Via Email Only*

T. Lester Wallace  
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**Case: *Buergofol GmbH v. Omega Liner Company, Inc.*, Case No. 4:22-cv-04112**

**Re: Response to Lester Wallace's August 7, 2023 Email**

Dear Mr. Wallace,

I acknowledge the receipt of your email sent on August 7, 2023 at 4:26 pm CT. First, in my twenty-five years of legal practice, I have never encountered situations where I've been subjected to such hostile, antagonistic, and abusive behavior by opposing counsel, especially during the meet-and-confer process to address discovery disputes. For instance, I have been called a "fool" or "stupid" by you during meet-and-confer calls. During meet-and-confers, you are constantly interrupting Omega's counsel as we attempt to speak and assert that talking to me is always a "waste of time." You then oftentimes abruptly leave the meet-and-confer before its completion without any stated reason leaving just your brother.

Over the past nine months, we have repeatedly requested a change in the manner of your communication – specifically, to cease the use of improper, antagonistic, and abusive language in telephone conversations and email exchanges. Regrettably, your response to these requests has not demonstrated acknowledgement of the impropriety of your actions, nor an attempt at rectification. Rather, your behavior persists, and it appears to have escalated in recent times, exemplified by references to me as a "fool" and "stupid."

In addition to disregarding Omega's appeals for improved communication the past nine months, you have also demonstrated a reluctance to adhere to the Court's directives on this matter, as detailed below:

- On June 22, 2023, Judge Schreier issued an unequivocal order stating that "*Being antagonistic with opposing counsel is not conferring in good faith.*" (Dkt. 143, p. 6.) The same order recognized your brother Darien Wallace's email as having the "*form of antagonistic questioning.*" (Dkt. 143, p. 7.)
- Despite Judge Schreier's order, on July 6, 2023, less than one-month later, you kept saying the meet-and-confer was a "*waste of time,*" you told me to "*Stop asking dumb questions,*" and even stated "*It is always a waste of my time talking to you.*"
- On August 1, 2023 during a call, you called me "*stupid,*" thus again disregarding the



Court's June 22, 2023 order.

- On August 2, 2023, your brother Darien Wallace, also disregarding the Court's June 22, 2023 order, then sent a letter attempting to rationalize calling me and our objections "stupid." Darien's letter made no attempt at conciliation, stating, "*I now realize that I should have called your objection what it really is: an unethical, specious, legally unsupportable, bad faith smokescreen for obstructing discovery. Just calling your objection 'stupid' was gracious.*"
- On August 4, 2023, Judge Schreier issued another order stating "*Buergofol's counsel's antagonistic attitude toward Omega's counsel also weighs in favor of finding that Buergofol did not meet and confer in good faith.*" (Dkt. 180, p. 15.)
- On August 6, 2023, you insinuated in an email that I may be "recording" our conversations.

Unfortunately, your email of August 7th lacks the acknowledgment, apology, or commitment to change your behavior (and that of Darien) in the context of these proceedings. Instead, it seems to propose that a mere 15-minute conversation can erase the nine-month history of antagonistic and abusive conduct towards counsel for Omega. Such a proposal seems hollow in light of the circumstances.

We have already taken the step of ensuring more than one attorney for Omega is present during meet-and-confer calls in hopes that it would curb the improper behavior by Buergofol's attorneys. It did not and Omega finds it necessary to seek assistance from the Court in order to protect Omega and its attorneys from the hostility and abusive conduct practiced by Buergofol's attorneys.

If you have a genuine desire to put an end to the cycle of hostile and antagonistic interactions, as expressed in your email, the solution does not necessitate a personal conversation. Buergofol's attorneys should simply stop the hostile, antagonistic and abusive way they communicate with Omega and its attorneys, some of which has already been acknowledged by the Court in recent orders. (Dkt. 143 at p. 7; Dkt. 180 at p. 15.)

If indeed Buergofol's attorneys change their conduct, it will be welcomed by all parties involved in this case and the Court.

Sincerely,



Michael Neustel